
The Smith-Mundt Act: Myths, Facts and Recommendations

By Matt Armstrong of www.MountainRunner.us

America's national security cannot rely on smart policies alone. Actions must be supported by coordinated and effective public diplomacy and strategic communication to correct misinformation and expose and counter the lies, distortions and true nature of our enemies. Now more than ever, aggressive, transparent, and accountable global engagement is required to deny support and sanctuary, both ideological and physical, to our enemies and their interlocutors. This includes direct action and enabling and encouraging others that often have a greater stake in the struggle of minds to affect the will to act.

The democratization of influence to the point where a kid with a keyboard may wield greater influence than an F-22 must be reckoned with. The blurred distinction between producer and consumer of news and information creates opportunities and vulnerabilities. To be effective in this environment and support national security, three fundamental actions are required:

1. **Congress must reaffirm the purpose and principles of the Smith-Mundt Act¹** as enabling and empowering the US Government to engage in a worldwide struggle. The Act's principles are timeless: *tell the truth; explain the motives of the United States; bolster morale and extend hope; give a true and convincing picture of American life, methods and ideals; combat misrepresentation and distortion; and aggressively interpret and support American foreign policy.*²
2. **Congress must undo changes to the Smith-Mundt Act that prevent accountability and effective global engagement.** This language, inserted in the 1970's and 1980's, prevents transparency and awareness while ignoring the global movement of information and people. In [22 USC §1461](#), "abroad" must be removed from paragraph (a) and paragraph (b) should be modified to provide for the immediate and future retrieval of public diplomacy material by the media, Congress, academia, and the general public. Section [1461-1a](#) should be stricken.
3. **Congress must revive the Advisory Commission on Public Diplomacy to provide public oversight over the nation's global engagement.** The Advisory Commission on Public Diplomacy was established prior to the passage of the Act to provide Congress a trusted and dedicated ombudsman. The requirement from the start was twice-yearly "reports of our broadcasts so that the public may be kept advised of our activities." This first commission included the vice president of CBS, a university president, the president of Time, Inc., advertising executives, and newspaper editors and publishers. Today, with the notable exception of a [2008 report](#), the Commission is not providing the critical and public oversight to improve America's public diplomacy that Congress, the public, and Government require.

¹ The Smith-Mundt Act is contained within [Title 22, Chapter 18 of the United States Code](#).

² These six principles were declared by the Congressional committee that recommended passage of the Smith-Mundt Bill in 1947.

Background and Myths

The foundation for America's global engagement is Public Law 80-402, the United States Information and Educational Exchange Act of 1948, commonly known as the Smith-Mundt Act. It was originally introduced in committee in October 1945 and to the House in December 1945 as the Bloom Bill. Passing the House in July 1946, it was blocked by a single Senator in August 1946. Following a request by the State Department, the bill reintroduced in May 1947 as the Smith-Mundt Bill. It was signed by President Truman in January 1948. The purpose of the law was to "promote the better understanding of the United States among the peoples of the world and to strengthen cooperative international relations." Secretary of State Marshall said at the time that we must make known "what our motives are, what our actions have been and what we have done to assist peoples outside our borders. It is very hard for us here at home to comprehend the degree with which we are not comprehended and the degree with which we are misrepresented."

Myth #1: The Smith-Mundt Act has no relevance in today's high-tech world.

False. The era in which Smith-Mundt was submitted, debated, and passed was remarkably similar to today: an erosion of geopolitical borders by a telecommunications revolution and a borderless enemy targeting public opinion with ideology and false promises of the future. In 1946, we were in "a war of ideology and a fight unto the death." The enemy was vilifying America while defaming our "institutions in the eyes of the peoples of the world." In 1947, the Senate Foreign Relations Committee said Smith-Mundt required immediate passage and that any delay would "seriously embarrass the President and the Secretary of State in the conduct of foreign relations, since information in the modern world is an exceedingly important instrument of policy."

Myth #2: In 1948, Congress wanted to be certain that a U.S. government agency could not brainwash citizens as Hitler had in Germany.

Not exactly. The media, Congress, and academia were the intended gatekeepers, insulating the Government and people from the State Department. Three sections in the Act address access to State Department information programs by the American public. Two limit competition with the private sector, including a "sunset clause" for Government operations, and mitigated the fear of Nazi-style dominance of news. Section 1437 requires the State Department to maximize its use of "private agencies." Section 1462 requires "reducing Government information activities whenever corresponding private information dissemination is found to be adequate" and prohibits the State Department from having monopoly in any "medium of information." Section 1461, subsequently modified in 1972 and 1985, originally prohibited "domestic dissemination" by the State Department to ensure State did not undermine the Government.³ The Act never defines propaganda.

The dissemination prohibition the Act is known for today is based primarily in Congressional distrust of the State Department, saying it was "chock full of Reds," full of "loafers", "drones", "incompetents" and the "lousiest outfit in town" and in need of a "house cleaning" to "keep only those people whose first loyalty is to the United States." A "loyalty check" (equivalent to today's security clearance) was implemented for all State personnel working on information programs that was "more stringent than the one given to people working on the atomic bomb during the war."

³ See "Rethinking Smith-Mundt" by Matt Armstrong for details, <http://mountainrunner.us/smith-mundt.html>. One Congressman even proposed a committee of the Daughters of the American Revolution should edit all of the Voice of America scripts.

Myth #3: Congress reaffirmed its intention in the 1970's and 1980's.

False. Amendments to the Act in 1972 and 1985 reflected the Cold War's departure from the "struggle for minds and wills" (a phrase used by both Presidents Truman and Eisenhower) to balance of power politics based on counting missiles, bombers, and tanks. Recognizing this shift, in 1972 Senator J. William Fulbright (D-AR) argued America's international broadcasting should take its "rightful place in the graveyard of Cold War relics." In 1985, Senator Edward Zorinsky (D-NE) [declared USIA to be no different than an organ of Soviet propaganda](#) before he said the "American taxpayer certainly does not need or want his tax dollars used to support U.S. Government propaganda directed at him or her." Zorinsky successfully amended Smith-Mundt to block Americans from accessing USIA materials to the point USIA products were exempt from the Freedom of Information Act.

Myth #4: The Smith-Mundt Act applies to the Whole Government.

False. The Act does not cover any entity other than those responsibilities of the State Department previously held by USIA. The purpose and context of the original legislation was lost in the aftermath of actions by Senators Fulbright and Zorinsky that directly led to the myth of Government-wide application. A 2006 legal analysis requested by the Defense Policy Analysis Office within the Office of the Secretary of Defense concluded the Act does not apply to the Defense Department but that Zorinsky's statements, along with other legislation, indicate implicit Congressional support of the firewall the Defense Department and other agencies believe is imprudent to ignore. USAID, for example, does not believe it is covered by the Act but "[pays homage to the Act](#)" when testifying to Congress.

Myth #5: We can just eliminate the Smith-Mundt Act.

False. The Act is the authorization for virtually all of America's global engagement, from international broadcasting, to websites and blogs, to cultural and educational exchanges, and more. Because of this, the Act cannot and should not be repealed but fixed to permit greater direct contact by and oversight of US Government global engagement. The current situation creates a reality where, under the law, information disseminated over the air or online by foreign governments and terrorist organizations are implicitly more trustworthy than US Government news and information intended for global audiences.

For more information, contact:

Matt Armstrong

blog@mountainrunner.us

www.MountainRunner.us

twitter.com/MountainRunner

Cell: (310) 926-1942